

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§8–1815.

(a) (1) (i) Except as otherwise authorized in a local jurisdiction, in accordance with the procedures set forth in subparagraph (ii) of this paragraph, a local authority may obtain access to and enter a property in order to identify or verify a suspected violation, restrain a development activity, or issue a citation if the local authority has probable cause to believe that a violation of this subtitle or the local program has occurred, is occurring, or will occur.

(ii) 1. A local authority shall make a reasonable effort to contact a property owner before obtaining access to or entering the property.

2. If entry is denied, the local authority may seek an injunction to enter the property to pursue an enforcement action.

(iii) 1. A local authority that identifies a violation of this subtitle or of the local program shall take enforcement action.

2. The local authority shall require appropriate restoration and mitigation as necessary to offset adverse impacts to the critical area resulting from the violation.

3. A. For restoration or mitigation that exceeds 1,000 square feet or involves expenses exceeding \$1,000, the local authority shall collect a bond or other financial security or adopt appropriate procedures to ensure that the restoration or mitigation is properly completed.

B. If the restoration or mitigation involves planting, the bond shall be held for at least 2 years after the date the plantings were installed to ensure plant survival.

C. On request of the property owner, the local authority shall schedule inspections as necessary to ensure compliance and the return of the bond or other financial security.

(2) (i) A person who violates a provision of an order, permit, plan, local program, this subtitle, or regulations adopted, approved, or issued under the authority of this subtitle shall be:

1. Subject to prosecution or suit in circuit court or District Court by the chairman or local authorities, who may invoke the sanctions and remedies afforded by State or local law;

2. Guilty of a misdemeanor; and

3. On conviction in a court of competent jurisdiction, subject to a fine not exceeding \$10,000 or imprisonment not exceeding 90 days or both, with costs imposed in the discretion of the court.

(ii) A criminal prosecution or a suit for a civil penalty for violation of a provision of an order, permit, plan, local program, this subtitle, or regulations adopted, approved, or issued under the authority of this subtitle shall be instituted within 3 years after the Commission or the local authorities in fact knew or reasonably should have known of the violation.

(3) A local authority may request:

(i) Assistance from the Commission in an enforcement action;
or

(ii) That the chairman refer an enforcement action to the Attorney General.

(b) Whenever the chairman has reason to believe that a local jurisdiction is failing to enforce the requirements of a program applicable to a particular development, the chairman shall serve notice upon the local enforcement authorities. If within 30 days after service of the notice, the local authorities have failed to initiate an action to remedy or punish the violation, the chairman may refer the matter to the Attorney General.

(c) Upon referral of an alleged violation under subsection (a) or (b) of this section, the Attorney General may invoke any sanction or remedy available to local authorities, in any court of competent jurisdiction in which the local authorities would be authorized to prosecute or sue the violator.

(d) In addition to any other sanction or remedy available, the Attorney General may bring an action in equity to compel compliance or restrain noncompliance with the requirements of approved project plans, and to compel restoration of lands or structures to their condition prior to any modification which was done in violation of approved project plans.

(e) Notwithstanding any other provision of this section, whenever a development in the Critical Area is proceeding in violation of approved project plans

and threatens to immediately and irreparably degrade the quality of tidal waters or fish, wildlife, or plant habitat, the Attorney General, upon request of the chairman, may bring an action to restrain the violation and, as appropriate, to compel restoration of any land or water areas affected by the development.

[\[Previous\]](#)[\[Next\]](#)